

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16660 of 2006
Date of Decision: 4.12.2006

Daljit Kaur

Petitioner

versus

State of Punjab and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE PRITAM PAL

Present: Shri Sukhjinder Singh, Advocate for the petitioner
Shri P.S.Chhina, Additional Advocate General, Punjab
Shri R.K.Garg, Advocate for respondent No.3

Jasbir Singh, J. (Oral)

In this writ petition, the petitioner has laid challenge to the order Annexure P/1 and order Annexure P/2, vide which, recovery was ordered to be effected from her, by invoking the provisions of Section 216 of the Punjab Panchayati Raj Act, 1994. When this matter came up for hearing on 19.10.2006, following contention of counsel for the petitioner was noticed by this Court before issuance of notice of motion:-

“It is contention of counsel for the petitioner that BDPO has fastened the recovery on the petitioner without complying with the provisions of Section 216 of the Punjab Panchayati Raj Act, 1994 and no notice was sent to the petitioner before passing the order under challenge.”

Shri Garg, who has put in appearance on behalf of respondent No.3, categorically states that no notice, before making assessment, was issued to the petitioner. We feel that there is a complete violation of the

provisions of Section 216 of the Act and also the principles of natural justice. In view of this, the writ petition is allowed, Order Annexure P/2 passed by the Block Development and Panchayat Officer is set aside. The petitioner is directed to appear before Block Development and Panchayat Officer on 20.12.2006, who shall give her an opportunity to file reply, hear her and then pass an order, as per law.

(Jasbir Singh)
Judge

December 04, 2006
gk

(Pritam Pal)
Judge